

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARBARA RIVARD-CROOK; *et al.*,

Plaintiffs,

vs.

ACCELERATED PAYMENT TECHNOLOGIES,
 INC.,

Defendant.

Case No. 2:10-cv-02215-LRH-GWF

ORDER

Motion for Protective Order
 and Attorney's Fees (#18)

This matter comes before the Court on Plaintiff Todd Granat and Steve Gautier's Emergency Motion for Protective Order and Attorney's Fees (#35), filed on February 17, 2012, Lead Plaintiffs' Joinder to Plaintiffs Todd Granat and Steve Gautier's Emergency Motion for Protective Order (#36), filed on February 21, 2012; and Accelerated Payment Technologies, Inc's Opposition to Todd Granat and Steve Gautier's Emergency Motion for Protective Order and Attorney's Fees (#18), filed on February 23, 2012.

The Court conducted a hearing on this matter on February 24, 2012. During the hearing, the Court granted Plaintiffs' request for the protective order, finding that if Defendants intended to not go forward with the noticed depositions, they should have vacated the depositions. In considering Plaintiffs' request for attorney's fees, the Court stated that if Plaintiffs' counsel requested the noticed deposition to be vacated and Defendant failed to do so, the Court would award Plaintiffs their attorney's fee and costs incurred in having to bring this motion.

Upon review of the pleadings and exhibits, there is sufficient evidence to support that Plaintiffs' counsel requested the noticed depositions be vacated and that Defendant's counsel failed to do so. *See Affidavit of Neil B Durrant, Esq.*, (#35) and *Defendants' Opposition* (#18) at Exhibit

1 B and Exhibit C. The Court will therefore award Plaintiffs their reasonable attorney's fees and
2 costs incurred as a result of the instant motion. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff Todd Granat and Steve Gautier's Emergency
4 Motion for Protective Order and Attorney's Fees (#35) is **granted**.

5 1) Counsel for Plaintiffs shall, no later than 15 days from entry of this order, serve and
6 file a memorandum, supported by the affidavit of counsel, establishing the amount of
7 attorney's fees and costs incurred in the motions addressed in this order. The memorandum
8 shall provide a reasonable itemization and description of the work performed, identify the
9 attorney(s) or other staff member(s) performing the work, the customary fee of the
10 attorney(s) or staff member(s) for such work, and the experience, reputation and ability of
11 the attorney performing the work. The attorney's affidavit shall authenticate the
12 information contained in the memorandum, provide a statement that the bill has been
13 reviewed and edited, and a statement that the fees and costs charged are reasonable.

14 (2) Defendant shall have 15 days from service of the memorandum of costs and
15 attorney's fees in which to file a responsive memorandum addressing the reasonableness of
16 the costs and fees sought, and any equitable considerations deemed appropriate for the court
17 to consider in determining the amount of costs and fees which should be awarded.

18 (3) Counsel for Plaintiffs shall have 11 days from service of the responsive
19 memorandum in which to file a reply.

20 DATED this 24th day of February, 2012.

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23 GEORGE FOLEY, JR.
24 United States Magistrate Judge
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